

Message Text

SECRET

PAGE 01 STATE 045472

12

ORIGIN EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 IO-14 ACDA-19 DLOS-06 COA-02 EB-11 COME-00

TRSE-00 OMB-01 INT-08 CG-00 /150 R

DRAFTED BY EA/K:EHKELLY/L/EA:LVERVILLE/CROE:DPW

APPROVED BY EA/K:DLRANARD

L/OA:TLEITZELL

OSD/ISA - ADM. BIGLEY

JCS - BRIG. GEN HANKET

----- 015945

R 062314Z MAR 74

FM SECSTATE WASHDC

TO AMEMBASSY SEOUL

S E C R E T STATE 045472

E.O. 11652: GDS

TAGS: PBOR,PFOR,MCAP,MOPS, KS

SUBJ: KOREAN COASTAL WATERS SITUATION

REF: (A) SEOUL 8696; (B) SEOUL 173; (C) STATE 249866;

(D) STATE 249865

1. DEPARTMENT APPRECIATES EMB/UNC RELUCTANCE TO PUT FORWARD
PRECISE DEFINITION OF MILEAGE LIMITS OF "CONTIGUOUS WATERS"
AT THIS TIME, ESPECIALLY IN TERMS THAT COULD BE CHARACTER-
IZED AS A NEW POSITION. TO EXTENT THAT UNC RIGHTS OF
ACCESS TO ISLANDS CAN BE ARTICULATED AND PRESERVED WITHOUT
RAISING THIS ADDITIONAL POINT OF POTENTIAL CONTENTION, WE
CONCUR IN POLICY OF LEAVING EXTENT OF CONTIGUOUS WATERS UN-
DEFINED.

2. WE ARE SOMEWHAT CONFUSED, HOWEVER, BY THE EMBASSY/
UNC ANALYSIS IN REF A OF CURRENT POLICY TOWARD CONTIGUOUS
WATERS. AS NOTED REF C, UNC MUST JUSTIFY ITS ACTIONS UNDER
SECRET

SECRET

PAGE 02 STATE 045472

ARMISTICE TERMS. YET, IT WOULD APPEAR FROM PARA 2 REF A

THAT ROK/UNC POSITION HAS BEEN TO DEFINE THE THREE MILE AREA IN WHICH THEY WILL ENFORCE RIGHTS IN TERMS OF TERRITORIAL SEA RIGHTS AS OPPOSED TO RIGHTS UNDER ARMISTICE AGREEMENT. PARA 2 THEN GOES ON TO SAY THAT ROK/UNC RULES OF ENGAGEMENT DO NOT DEFINE CONTIGUOUS WATERS, BUT THAT THESE WATERS HAVE BEEN DE FACTO ESTABLISHED BY PATROL AREAS WHICH EXTEND UP TO NLL. THE IMPRESSION WITH WHICH WE ARE LEFT IS THAT THE ROK/UNC CONSIDERS CONTIGUOUS WATERS AS

THOSE WATERS IT PATROLS, WHILE TERRITORIAL WATERS ARE THOSE WHICH THE DPRK WILL NOT BE PERMITTED TO ENTER WITHOUT PROTEST.

3. AS WE VIEW ARTICLE 15, HOWEVER, CONTIGUOUS WATERS ARE THOSE WHICH THE OTHER SIDES'S NAVY MUST RESPECT, I.E. STAY OUT OF WITHOUT PERMISSION. THUS AREA AROUND ISLANDS WITHIN WHICH UNC PROTESTS NORTH KOREAN INTRUSIONS SHOULD BE SAME AS ITS DEFINITION OF CONTIGUOUS WATERS. POSITION REF A THUS HAS TWO INHERENT PROBLEMS: FIRST, AS NOTED REFS C AND D, THAT THE NLL IS EXTREMELY DIFFICULT TO DEFEND LEGALLY AS A LINE OF DEMARCATION EITHER OF ISLANDS OR DPRK CONTIGUOUS WATERS (SINCE UNC NAVAL VESSELS WILL NOT INTRUDE BEYOND NLL, THEY ARE IN EFFECT REGARDING IT AS LIMIT OF DPRK CONTIGUOUS WATERS), AND SECOND, THAT POSITION WOULD APPEAR TO GIVE BROADER DEFINITION TO DPRK CONTIGUOUS WATERS THAN TO CONTIGUOUS WATERS AROUND ISLANDS.

4. DEPARTMENT POINTS OUT THE ABOVE AS A CAUTION WITH RESPECT TO CURRENT POLICY. CONTRARY TO PARA 3 REF A, UNDER A TWELVE MILE DEFINITION, ROK/UNC COULD PATROL WITHIN TWELVE MILES OF NORTH KOREAN COAST IN AREAS WHERE MEDIAN LINE CONCEPT WOULD PERTAIN BECAUSE OF OVERLAPPING CLAIMS. WE NEVERTHELESS RECOGNIZE THAT ONE RESULT OF ASSERTING A TWELVE MILE CONTIGUOUS WATERS DEFINITION WOULD BE TO EXPAND THE AREA IN WHICH THE UNC PROTESTS DPRK INCURSIONS AND THUS POSSIBLY TO INCREASE BOTH TENSIONS AND THE POTENTIAL FOR INCIDENTS.

5. IN SUMMARY DEPARTMENT CONCURS IN EMB/UNC DESIRE NOT TO EXACERBATE TENSE SITUATION BY INTRODUCING TWELVE MILE DEF-

SECRET

SECRET

PAGE 03 STATE 045472

INITION IF CURRENT AMBIGUITY CAN BE MAINTAINED WITHOUT PREJUDICE TO A FUTURE TWELVE MILE CLAIM. HOWEVER, IF IN THE FUTURE MAINTAINING OUR CURRENT POLICY WOULD REQUIRE DEFENSE ON LEGAL GROUNDS OF NLL, THAT WOULD IN OUR JUDGMENT REQUIRE RE-EVALUATION.

6. WITH REGARD TO NEXT STEPS, DEPT APPRECIATES THAT ROKS WOULD ALMOST CERTAINLY FEEL COMPELLED TO RESIST PRESSURE

FOR ABANDONING TRADITIONAL PRACTICE OF MOVING FISHING LINE NORTHWARD IN SPRING. IN VIEW OF THIS, DEPT APPROVES APPROACH DESCRIBED REF B. RAISING QUESTION OF PROTECTIVE MEASURES AS OUTLINED PARA 6 REF B MAY BE SUFFICIENT TO LEAD ROKS TO ACCEPT PRACTICE OF RESTRAINT WITHOUT APPEARING TO DO SO. IF ROK REACTION TO ABOVE INDICATES INTENTION NEVERTHELESS TO ADOPT TRADITIONAL SPRING FISHING LINE, YOU SHOULD MAKE CLEAR PROBLEMS ARISING FROM CONFLICT BETWEEN ROKG CLAIMS AND USG POSITION ON FISHING ZONES. USG

ASSERTS A TWELVE MILE EXCLUSIVE FISHING ZONE SUBJECT ONLY TO TRADITIONAL FOREIGN FISHING AS RECOGNIZED BY THE US, AND WE COULD NEITHER SUGGEST NON-RECOGNITION OF A SIMILAR FISHING ZONE CLAIMED BY NORTH KOREA NOR PROVIDE SUPPORT FOR ROK SHOULD AN INCIDENT ARISE WITHIN SUCH A ZONE. THIS WOULD MEAN IN EFFECT, THAT ROK FISHERMEN MUST STAY OUT OF AREAS WITHIN TWELVE MILES OF KOREAN COAST (EXCEPT INSOFAR AS ISLAND WATERS OVERLAP NORTH KOREAN TWELVE MILE ZONE). FURTHERMORE, WE UNDERSTAND ROKG ASSERTS 20 TO 200 MILE FISHING ZONE. QUESTION OF FISHING RIGHTS OF COURSE IS COMPLETELY SEPARATE FROM ARMISTICE AGREEMENT AND NOT COVERED BY IT. ARMISTICE AGREEMENT IS RELEVANT, HOWEVER, INSOFAR AS ROK NAVAL VESSELS PROTECTING FISHERMEN ARE CONCERNED, AND WE WOULD AGREE THAT DPRK LIKELY TO CONSIDER SUCH ESCORTS WITHIN TWELVE MILES OF ITS COAST, ESPECIALLY IN AREAS UNRELATED TO ISLANDS, AS PROVOCATION.

7. REGRET DELAY IN PROVIDING RESPONSE TO REFTELS. KISSINGER

SECRET

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TERRITORIAL WATERS, TERRITORIAL SEA LIMIT, FOREIGN RELATIONS, WATER BOUNDARIES, FISHING BOATS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 MAR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE045472
Document Source: CORE
Document Unique ID: 00
Drafter: EH KELLY/L/EA:LVERVILLE/CROE:DPW
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740363/aaaacgje.tel
Line Count: 143
Locator: TEXT ON-LINE
Office: ORIGIN EA
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: (A) SEOUL 8696; (B) SEOUL 173; (C) S, TATE 249866;
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 01 AUG 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 AUG 2002 by elyme>; APPROVED <28 JAN 2003 by GolinoFR>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: KOREAN COASTAL WATERS SITUATION
TAGS: PBOR, PFOR, MCAP, MOPS, KS, US
To: SEOUL
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005